

CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: February 26, 2003

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE NEIGHBORHOODS COMMITTEE MEETING JANUARY
27, 2003**

A meeting of the Neighborhoods Committee was held on January 27, 2003, at 1:00 P.M. in the Mayor's Conference Room. Commissioners in attendance: Matti Herrera Bower, Simon Cruz, Richard Steinberg, Saul Gross, and Luis R. Garcia Jr. City staff in attendance: Robert C. Middaugh, Assistant City Manager, Christina M. Cuervo, Assistant City Manager, Vivian P. Guzman, Director, Neighborhood Services Department, Saul Frances, Parking Department Director, Max Sklar, Assistant Director, Neighborhood Services Department, Al Childress, Code Compliance Division Director, Robert Dixon, Assistant City Attorney, Police Legal Advisor, Martha Diaz Perez, Senior Assistant City Attorney, Lynn W. Bernstein, Community Resource Manager, Valerie Schwank-Hasbani, Commission Aide, Erica Shafir, Commission Aide, and Dolores Mejia, Commission Aide. Others in attendance are listed in the attached sign-in sheet.

OLD BUSINESS

1. **Discussion regarding the City's enforcement of the noise ordinance.** Deferred from the January 10, 2003, Neighborhoods Committee meeting.

Item deferred to the next Neighborhoods Committee meeting.

2. **Ordinance dealing with "Rehearings / Mitigation" to provide limits on settlement agreements regarding Special Master Fines.** Deferred from the January 10, 2003, Neighborhoods Committee meeting.

Assistant City Manager Robert C. Middaugh introduced this item in two pieces: (1) imposition of a cap in the fine not to exceed 15% of the County's assessed value or \$250,000, whichever is less, and (2) mitigation agreements with the City Administration and hearings before the Special Master.

Commissioner Gross identified that often many property owners fail to receive notices of violation and that the Administration needs to have flexibility built into the policies and procedures to account for this. Commissioner Gross further stated that he would like to see higher caps for life safety violations than for non-life safety violations. The lower cap should be somewhere in the area of one-half to one-third of the proposed \$250,000. The

Special Master would make the determination between life safety and non-life safety.

The Committee also stated that they would like to see the policies and procedures memorialized via resolution for Mitigations / Rehearings and settlements agreements for Special Master fines.

The Committee unanimously passed a motion referring this ordinance amendment and accompanying resolution to the full Commission for action. The Commission to determine cap for non-life safety violations.

NEW BUSINESS

3. Discussion concerning the Espanola Way Association request for street closure of the 400 and 500 blocks of Espanola Way. Referral from the January 8, 2003 City Commission Meeting.

Assistant City Manager Robert C. Middaugh introduced the item and gave an overview of the outcome of the January 22, 2003 community meeting. Those present agreed that the general consensus was to have the 400 block of Espanola Way and Drexel Avenue south of Espanola Way to the cul-de-sac open to vehicular traffic during daytime hours and closed during evening hours. This will allow access for sanitation waste disposal and deliveries. The 500 block of Espanola Way and Drexel Avenue north of Espanola Way would remain open to normal vehicular traffic.

Parking would be prohibited on the Plaza de Espana and around the cul-de-sac, eliminating a total of eight (8) parking spaces. The parking spaces north of the Plaza on Drexel Avenue in the paved portion would be maintained. The spaces on the 400 block of Espanola Way would remain "Loading Zones" for daytime use only. The Parking Department will send letters to all businesses on Espanola Way advising them that strict enforcement of the area will begin immediately and ask that they advise their vendors of same. Parking will be maintained as designed on the 500 block of Espanola Way.

The City of Miami Beach will continue to review the feasibility of installing a fountain that will maintain adequate traffic circulation at the Plaza de Espana.

Principal Figueras, Feinberg-Fisher Elementary, expressed a need to continue using the Drexel Avenue cul-de-sac for food deliveries and waste disposal. Others in attendance expressed a concern with street closures on Drexel Avenue north of Espanola Way as they block access to driveways, prohibit resident access, and present a conflict with market vendors.

Commissioner Garcia expressed a desire to investigate the possibility of recapturing Drexel Avenue from the cul-de-sac to 14th Street, which runs through Feinberg-Fisher Elementary. Principal Figueras was opposed to this concept.

Commissioner Cruz stated that he would like to see the cul-de-sac improved to conform to the rest of the project.

The Administration suggested one more meeting with the community at the Feinberg-Fisher auditorium to report the final measures and report back to the next Neighborhoods Committee Meeting.

The Committee made a motion to have a final community meeting and report back to the next Neighborhoods Committee Meeting. The Administration will report back on the status of the fountain and its feasibility at a future Neighborhoods Committee.

4. Discussion concerning the Nuisance Abatement Board. Referral from the January 8, 2003 City Commission Meeting.

Robert Dixon introduced the item and gave a brief report on the history of the Nuisance Abatement Board and procedures for referring matters to the board. Mr. Dixon also advised that the City Attorney's Office does not have a compelling need to keep the Nuisance Abatement Board in place as they use other methods to deal with nuisances.

Commissioner Gross asked if another board could be reconstituted to deal with repeat offenders of the City Code similar to a Code Enforcement Board. Assistant City Manager Middaugh recommended against such a board as we have other means to deal with habitual violators, which is already in the City Code. The Committee expressed a desire to enact threshold guidelines for a habitual violator to allow for more consistent enforcement.

Commissioner Cruz made a motion to disband the Nuisance Abatement Board. The motion was seconded by Commissioner Steinberg and approved by the Committee.

5. Discussion regarding licensing for mobile fruit / vegetable vendors. Referral from the January 8, 2003 City Commission Meeting.

Vivian Guzman and Al Childress introduced the amendment. Commissioner Steinberg asked what the State's process was for issuing the license and how the State addresses health related concerns. He also expressed a concern with the restriction of one license per location as it has the potential to promote a monopoly.

Finally, the Committee requested that a time restriction be added to prevent vendors from becoming permanent fixtures.

Commissioner Steinberg made a motion, which was seconded by Commissioner Gross and unanimously approved by the Committee to refer the amendment to the City Commission with a 1-hour time restriction in a 24-hour period and the ability for a property to have two licenses as long as they are not at the property at the same time. Al Childress to report back on the State's licensing procedures and health inspections.

6. Ordinance amending enforcement and penalty provisions for parking lots and valet parking operators. Referral from the November 13, 2002, City Commission

meeting.

Saul Frances introduced the item, which will make enforcement and penalty provisions for parking lot and valet operators enforceable under Chapter 30 instead of Chapter 18 of the Miami Beach City Code. The Committee expressed a desire to have input from the Mayor's Blue Ribbon Task Force, the Transportation and Parking Committee and the valet industry.

This item will be rescheduled for the next Neighborhoods Committee Meeting and representatives from the aforementioned groups will be invited to attend.

7. Status report on the Swale Maintenance Ad Hoc Committee.

Assistant City Manager Middaugh gave a status report on the Swale Maintenance Ad Hoc Committee. He advised the policy would be all encompassing and that they have approximately 2 to 3 more meetings left before they finalize their recommendations. The Committee requested that it go back to the neighborhood associations for their endorsement. The endorsement should be done via resolution.

The recommendation will come back to the Neighborhoods Committee first and then referred to the neighborhood associations for endorsement.

JMG/RCM/VPg/mas

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